



Protecting the Land, Cultural,
Heritage and Tradition for
the Future Generation

Tribal Historic Preservation Office

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Russell Eagle Bear
Officer

Kathy Arcoren
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Mr. Kenneth Blodgett
Surface Transportation Board (STB)
Office of Environmental Analysis
395 E ST SW
Washington DC 20423

EI-18511

RE: Tongue River RR Construction and Operation Western Alignment Programmatic
Agreement Docket No. FD 30186 (sub-no. 3).

Dear Mr. Blodgett,

The Rosebud Sioux Tribe sends you greetings. We are writing to you concerning the Tongue River Railroad proposed construction and review of the Programmatic Agreement (PA) that has expired under time limitations and has been extended to satisfy other timelines not met. The Rosebud Sioux Tribe had and does have extensive interest in the areas platted for the proposed Tongue River RR construction. Significant sites of historical and present day interest abound in the area and substantive on-going changes in case law have occurred since the original PA was signed.

As a first order of a change that has occurred especially, is reference to the Wolf Mountains Battlefield which has been designated as a National Historic Landmark (NHL). This change of recognition brings forth a differing set of circumstance and review that were not considered in the original Class II and subsequent investigation efforts; hence a review of the status of consultation with interested tribes is warranted and protection that in the past that did not apply are now in effect.

Furthermore, the consultation efforts as stated by the STB in the past 10 years has not been to a standard as set forth under the National Historic Preservation Act. The standards as they are set forth in the NHPA have been minimally met to satisfy compliance but are not qualitative by any means. We are aware that the Northern Cheyenne (allies and relatives of the Lakota) have attempted to ask for redress concerning the PA and have issue with those efforts by your office in statements regarding consultation. We are in support of the Northern Cheyenne and additionally have our own concerns about other sites within proximity to the Area of Potential Effect (APE) i.e. - Rosebud Battlefield and Deer Medicine Rocks in particular.

Mary Waln
Recording Clerk

Bernadette Emery
File Clerk

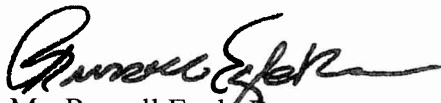
We have had archaeologically qualified personnel conducting review of sites in and along the proposed route of the Tongue river RR. We have additional information that will be significant to any review(s) whether of a Class II or a Class III survey. We assert that further investigation and protection is warranted for this cultural landscape which possesses special, unique, and exceptional cultural resources.

We insist that the Rosebud Sioux Tribe Historic Preservation Office be included with any and all further negotiations concerning the expired PA and/or any changes or review that are proposed for the self-same. Furthermore, any investigative efforts that may be conducted along the proposed RR route or even should there be further review of the Class II we maintain that our tribe and office is to be included.

Our review of correspondence sent to your office from Mr. Jenks of the Montana Preservation Alliance on march 3, 2011 and from the Montana State Archaeologist Mr. Stan Wilmoth on February 8, 2011 are supportive of the need for a new PA. Should a new PA be initiated and negotiated, our office needs to be informed and included in this process.

We thank you for your attention to this matter.

Sincerely,



Mr. Russell Eagle Bear
Rosebud Sioux Tribe
Historic Preservation Officer
PO B0x 809
Rosebud, South Dakota 57570